

## **EXHIBIT 3**



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# Transcript of David Timbers

**Date:** July 18, 2022  
**Case:** Timbers -v- Telligent Masonry, LLC, et al.

**Planet Depos**  
**Phone:** 888.433.3767  
**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)  
**www.planetdepos.com**

Conducted on July 18, 2022

	17		19
1 <b>A Yes, it is.</b>		1   gets paid by the number of pieces of brick laid.	
2   Q Okay. Thank you.		2   You have never been employed or paid as a	
3 <b>A You're welcome.</b>		3   piece worker?	
4   Q So what is your highest level of		4 <b>A Not as I know of. Not to my knowledge.</b>	
5   education?		5   Q Okay. And when you were a brick mason,	
6 <b>A I would say eighth grade.</b>		6   were you always paid in wages; meaning, did you --	
7   Q Eighth grade. And do you have any other		7   were you an employee of the company that you	
8   degrees, or certifications, or anything else that		8   worked for?	
9   could be considered educational that you've done		9 <b>A I was. I was getting paid hourly.</b>	
10   for purposes of your occupation?		10   Q Were you ever paid, for working as a brick	
11 <b>A No.</b>		11   mason, in cash?	
12   Q And what is your current occupation?		12 <b>A No.</b>	
13 <b>A I'm not working at the moment.</b>		13   Q Were you ever paid, as a brick mason, as	
14   Q What was your occupation?		14   an independent contractor?	
15 <b>A I'm a brick mason.</b>		15 <b>A No.</b>	
16   MR. RAY, II: Let him finish the question.		16   Q Other than working as a brick mason, have	
17 BY MR. MOURGES:		17   you ever been employed as anything else in your	
18   Q What was your occupation during 2020?		18   life?	
19 <b>A Brick mason.</b>		19 <b>A In my younger days, I've done janitor</b>	
20   Q And since 2020, what have -- what has been		<b>20 work. I've done numerous things.</b>	
21   your occupation?		21   Q When did you last engage as a janitor for	
22 <b>A I haven't been working, I've been in</b>		22   employment?	
	18		20
1 <b>a accidents.</b>		1 <b>A When I was, probably, 18 or 19 years old.</b>	
2   Q When was your last day of work in that		2   Q And when did you first begin working as a	
3   occupation as a bricklayer?		3   brick mason?	
4 <b>A Probably the 15th of September.</b>		4 <b>A I began working as a brick mason back</b>	
5   Q "Probably" the 15th of September, or the		<b>5 in -- I don't recall the exact date, but it was</b>	
6   15th of September?		<b>6 with Falls Church Construction, and I can't</b>	
7 <b>A The last day I worked for Telligent.</b>		<b>7 remember exactly when.</b>	
8   Q Okay. And since the last day that you		8   Q Other than working for Falls Church	
9   worked for Telligent, have you looked for work		9   Construction as a brick mason, where else have you	
10   opportunities?		10   worked as a brick mason?	
11 <b>A No.</b>		11 <b>A I worked United Masonry, I worked for</b>	
12   Q Since your last day of work for Telligent,		<b>12 Long Masonry, I've worked for Senate Masonry,</b>	
13   on September 15th, 2020, how have you earned		<b>13 Metropolitan. I've worked for a number of these</b>	
14   money?		<b>14 companies -- Keystone.</b>	
15 <b>A I'm getting a Social Security check.</b>		15   Q Any of the companies that you just	
16   Q Have you had any other forms of income		16   mentioned, have you worked for any of them since	
17   since September 15th of 2020?		17   2017?	
18 <b>A No.</b>		18 <b>A No, except Telligent.</b>	
19   Q Have you ever worked as a piece worker?		19   Q You have not worked for any other employer	
20 <b>A No.</b>		20   as a brick mason, other than Telligent, since	
21   Q Meaning, that you -- let me clarify.		21   2017?	
22   A piece worker is paid to lay brick and		22 <b>A Well, the companies I said, I worked for</b>	

Conducted on July 18, 2022

	33		35
1 <b>A Wilbur, that's it.</b>		1   of an expectation of how many brick they laid --	
2   Q Wilbur was your only foreman?		2   did you see anyone told of any expectation of how	
3 <b>A And the guy at Gateway. I don't remember</b>		3   many bricks to be laid in an hour?	
4   his name.		<b>4   A No.</b>	
5   Q "Wilbur," is Wilbur Bonilla; is that		5   Q Did anyone ever -- well, strike that.	
6   correct?		6   Was it expected of you to be able to lay	
7 <b>A (Nods head up and down.)</b>		7   brick to a certain quality?	
8   MS. GLOVER: He did.		8   MR. RAY, II: Objection to the form.	
9   MR. RAY, II: Did you give a "yes," sir?		9   Foundation.	
10   THE COURT REPORTER: I got a nod.		10   You can answer, David.	
11   MR. RAY, II: You've got to give a verbal		<b>11   A Yes. Brick got to be, no matter what --</b>	
12 answer.		<b>12 brick got to be laid right, no matter who you</b>	
13   THE WITNESS: I said, "yes."		<b>13 working for.</b>	
14 BY MR. MOURGES:		14   Q What makes -- in your words, what makes a	
15   Q During 2020 when you were -- when your		15 brick "laid right"?	
16 foreman was Wilbur Bonilla, do you recall who		<b>16   A It's got to be straight, and plumb, and</b>	
17 worked with you at Telligent?		<b>17 level.</b>	
<b>18   A All I know is one Spanish guy, they called</b>		18   Q Did you always lay brick straight, plum,	
<b>19 him Chile [ph]. The rest of them, I don't</b>		19 and level?	
<b>20 remember.</b>		<b>20   A Yes, I did.</b>	
21   Q How many people worked with you on a team,		21   Q Did you always show up to work on time?	
22 on a given day?		<b>22   A Yes.</b>	
	34		36
<b>1   A I couldn't give you the answer to that,</b>		1   Q Did you always follow the instructions of	
<b>2 because I don't go around counting and seeing how</b>		2 Wilbur Bonilla?	
<b>3 many people I'm working with; so I don't know.</b>		<b>3   A Whatever he asked me to do, sure.</b>	
4   Q Was Wilbur Bonilla the supervisor to all		4   Q Did you ever get into any arguments or	
5 of the people on the site?		5 other -- otherwise have confrontations with	
<b>6   A Yes.</b>		6 Mr. Bonilla or other employees of Telligent, in	
7   Q So in your own words, what were the		7 2020?	
8 reasonable expectations of Telligent, in terms of		<b>8   A No.</b>	
9 job performance?		9   Q Did you ever witness anyone having an	
<b>10   A Job performance as work, what was I doing?</b>		10 argument or confrontation while you were with	
11   Q What was expected of you, as a brick		11 Telligent?	
12 mason, by Telligent.		<b>12   A Yeah. My nephew, Jesse [ph].</b>	
<b>13   A Just lay brick for eight hours, or block</b>		13   Q Can you speak to the incident with your	
<b>14 for eight hours, or whatever it was required</b>		14 nephew, Jesse, what happened?	
<b>15 during that time on the job. Whatever he would</b>		<b>15   A I don't know what happened. I just heard</b>	
<b>16 tell me to do, that's what I would do.</b>		<b>16 some commotion going on, and, you know, I was</b>	
17   Q Did they -- did Wilbur, or anyone else at		<b>17 working, and I just looked up and I seen this</b>	
18 Telligent, expect that you would be able to lay a		<b>18 white bricklayer having some words, and I seen him</b>	
19 certain amount of brick in a certain amount of		<b>19 going towards the guy, and I told him "No," and he</b>	
20 time?		<b>20 knocked -- took his hand and knocked the guy's</b>	
<b>21   A If it was, I was never told.</b>		<b>21 hard hat off.</b>	
22   Q Were other people that you work with told		22   Q Whose hard hat did he knock off?	

Conducted on July 18, 2022

	41		43
1	You can answer, David.	1	Discrimination," containing your name and filed
2	<b>A No, I wouldn't say so.</b>	2	against Telligent Masonry.
3	Q On Telligent Bates 123, is another picture	3	Are you familiar with this document?
4	of brick. Would you consider that to be quality	4	<b>A Yes.</b>
5	brick masonry work?	5	Q Is that your signature?
6	MR. RAY, II: Same objection.	6	<b>A That's my signature.</b>
7	<b>A It's not my work, so I don't know.</b>	7	Q On -- within that page, it states that
8	Q On the fourth-to-last page, Telligent	8	the, "Date discrimination took place, on the
9	Bates 341, is another picture of brick masonry	9	earliest, was July 1st of 2020."
10	that you laid --	10	What discrimination occurred on
11	<b>A I laid?</b>	11	July 1st of 2020?
12	Q -- do you consider that to be quality	12	<b>A July 1st of 2020? I was being</b>
13	masonry?	13	<b>discriminated against because of my race.</b>
14	MR. RAY, II: Objection to the form.	14	Q How were you being discriminated against
15	Foundation.	15	due to your race on July 1st, 2020?
16	You can answer it.	16	<b>A Because the Spanish people were allowed to</b>
17	<b>A Not to my knowledge.</b>	17	<b>work. Me and my brother, who were black, African</b>
18	Q Not to your knowledge that that is not	18	<b>American, wasn't.</b>
19	quality masonry?	19	Q Were you working for Telligent on
20	MR. RAY, II: Objection to the form.	20	July 1st, 2020?
21	<b>A I see a hole.</b>	21	<b>A I can't recall; but I probably was.</b>
22	Q Are holes exemplary of quality brick	22	Q In Roman numeral II of, "The Particulars,"
	42		44
1	masonry?	1	you indicate that, "During my employment, I have
2	<b>A It could have been, as long you plug it</b>	2	been discriminated against due to my race,
3	<b>up.</b>	3	including being subjected to a hostile work
4	THE WITNESS: (Makes motion, indicating.)	4	environment, and otherwise, being harassed by my
5	MR. RAY, II: You can't talk to me. You	5	three immediate supervisors. Jose Valladares,
6	have to focus on the question.	6	Joseph Williams, and Tranquilino Villegas, from
7	THE WITNESS: Okay, I'll talk to you	7	July 1st, 2020, until my termination on
8	later.	8	September 23rd, 2020."
9	MR. RAY, II: Focus on the question.	9	Please explain, during the time period
10	MR. MOURGES: If you guys want to break,	10	from July 1st, 2020, through September 23rd of
11	that's fine.	11	2020, how you were being subjected to a hostile
12	MR. RAY, II: I don't need to break.	12	work environment.
13	Do you want to take a break?	13	<b>A Well, like I said, we was -- me and my</b>
14	THE WITNESS: Huh-uh.	14	<b>brother wasn't allowed to work from people that</b>
15	BY MR. MOURGES:	15	<b>they were sending us to, and I made phone calls</b>
16	Q Turning to the EEOC complaint that was	16	<b>17 and asked them why they keep sending me to the</b>
17	filed on November 19th, 2020.	17	<b>same site when this person wasn't allowing us</b>
18	MR. MOURGES: This will be Exhibit 4.	18	<b>work.</b>
19	(Whereupon, the above-referenced document	19	Q Other than not allowing you to work, and
20	was marked as Exhibit No. 4.)	20	sending you to a different site, did they take any
21	(Documents passed.)	21	hostile actions towards you?
22	Q On the second page, there's a, "Charge of	22	MR. RAY, II: Object to the form.

Conducted on July 18, 2022

45

47

1 BY MR. MOURGES

2 Q Did the people -- did Jose Valladares,  
 3 Joseph Williams, and Tranquilino Villegas, during  
 4 July 1, 2020, through September 23rd, 2020, take  
 5 any hostile actions against you?

6 MR. RAY, II: Same objection.

7 You can answer.

8 A "Hostile," meaning what?

9 Q Anything that you would consider hostile.

10 A I don't understand the term.

11 Q Did Jose Valladares, Joseph Williams, or  
 12 Tranquilino Villegas from July 1st, 2020, through  
 13 September 23rd, 2020, harass you?

14 A Yeah, they harassed me by not answering  
 15 when I was calling them and asking about work.

16 Q Is that the only way that they harassed  
 17 you during that time period?

18 A Yeah, by denying me work.

19 Q You indicate, in Roman numeral II, that  
 20 your three immediate supervisors are  
 21 Jose Valladares, Joseph Williams, and  
 22 Tranquilino Villegas.

1 and my brother out to the school in Gainesville,  
 2 so I can't recall what the date, what month it  
 3 was, but me and my brother, we brought the school  
 4 up the ground, to grade.

5 Q Just to clarify, was it Kenny, or was it  
 6 Jose, that sent to you a different worksite?

7 A Kenny.

8 Q And Kenny sent you from where to where?

9 A Kenny sent me from Springfield to  
 10 Gainesville High School.11 Q When did Kenny send you from Springfield  
 12 to Gainesville?13 A I just told you I don't have no knowledge  
 14 of the date and time, or the month.15 Q Who was your supervisor in Gainesville --  
 16 or at the Gainesville site?

17 A Jose.

18 Q Going back, when was Wilbur Bonilla your  
 19 supervisor?20 A Wilbur was my supervisor back in 2020,  
 21 when I went back to work, because I had been off  
 22 for a while.

46

48

1 Please explain how the three of those are  
 2 your immediate supervisors.

3 A I was working for Jose and Tranquilino,  
 4 he's the one who hired me at Faraday -- to go back  
 5 to Faraday Park. Joseph Williams, I didn't even  
 6 know him until I was told that, if we came back  
 7 Monday, me and Albert, my brother, wouldn't be  
 8 allowed to work there anymore.

9 So I called the office that day, and it  
 10 just so happened, some guy named Joe, and I know  
 11 his last name is Williams, picked up.

12 Q Did Joseph Williams ever meet you in  
 13 person?

14 A No, not to my knowledge.

15 Q Did Tranquilino Villegas ever meet you in  
 16 person?

17 A I wouldn't even know who he is. If he  
 18 did, I wouldn't even know him.

19 Q During that time period, was  
 20 Jose Valladares your supervisor?

21 A Whenever -- I can't recall, but I was  
 22 working with Kenny in Springfield, and he sent me

1 Q At what worksite was he your supervisor?

2 A Faraday Park.

3 Q How many days were you under the  
 4 supervision of Jose Valladares?

5 A Until I was terminated.

6 Q What dates were you under the supervision  
 7 of Jose Valladares in particular? Please provide  
 8 the dates.

9 A I can't provide the dates, because it's  
 10 from the time that I started, which was back in  
 11 February or March, until September.

12 Q So are you stating that Jose was your  
 13 supervisor from February or March through  
 14 September?

15 A Yeah. Unless he sent me -- they sent me  
 16 to Jose's job.

17 Q No, I'm -- I asked was Jose, not Wilbur,  
 18 your supervisor from February or March through  
 19 September?

20 A Jose, I thought you were talking about --  
 21 no. Wilbur was my foreman.

22 Q Was Wilbur always your foreman during

Conducted on July 18, 2022

57

59

**1 and you can put all of them to work?**

**2 Q So that was the substance of your**  
**3 conversation with Jose?**

**4 A I told him I was going to file charges**  
**5 with the EEOC.**

**6 Q And did you ever complain of**  
**7 discrimination to Joseph Williams?**

**8 A No, I didn't. Like I said, I only talked**  
**9 to Joe one time on the phone. He called me back**  
**10 after that, on the same Friday that he told us we**  
**11 weren't going to be allowed to work at the site**  
**12 anymore if we came back Monday; and after that I**  
**13 didn't talk to Joe anymore.**

**14 Q So on August 20th of 2020, where were you**  
**15 working?**

**16 A I have no idea.**

**17 Q When you were sent from Faraday Park East**  
**18 to Prince William High School, do you recall what**  
**19 date that was?**

**20 A No, not the first time. The last time was**  
**21 the 15th of September.**

**22 Q The 15th of September you were sent to**

**1 worksite and were not given work -- or taken away**  
**2 from doing work?**

**3 A Like I said, there was numerous times we**  
**4 were sent to the same place that Jose is a**  
**5 supervisor at the high school. We went there that**  
**6 Friday, and he told us he did not have a place for**  
**7 me and my brother to work. As we were ready to**  
**8 leave, the rest of our crew showed up, but we**  
**9 worked that day. But then at the end, just before**  
**10 the end of the day, he had called his other**  
**11 foreman, whose name is also Jose, and told them to**  
**12 tell David and Albert, if they come back Monday,**  
**13 I'm not working them.**

**14 Q Did you attempt to show up to work on**  
**15 Monday?**

**16 A No. Why would I?**

**17 Q And how do you know that he -- how were**  
**18 you told that you were not supposed to show up to**  
**19 work on Monday?**

**20 A He called the other foreman, Jose.**

**21 Q Who called the other foreman?**

**22 A Jose Valladares, I guess that's his last**

58

60

**1 work at Prince William High School?**  
**2 A Yes. But I never showed up, because why**  
**3 would I show up somewhere I already know I'm not**  
**4 going to have work. So I didn't call nobody, I**  
**5 just didn't show up. I'm not going to call the**  
**6 person that tells me to go to the same place where**  
**7 I'm already discriminated against because of my**  
**8 race.**

**9 Q So you did not show up for work on**  
**10 September 15th, and did not tell anybody?**

**11 A I went to work September 15th. I said**  
**12 after that, I was sent to the school again.**

**13 Q So on September 16th, you did not show up**  
**14 to work?**

**15 A No.**

**16 Q So on any date in July or August of 2020,**  
**17 were you removed from a worksite by Telligent?**

**18 A From July what?**

**19 Q In July or August or September of 2020,**  
**20 were you ever removed from a worksite?**

**21 A What do you mean when you say "removed"?**  
**22 Q Were you -- did you ever show up at a**

**1 name.**

**2 Q Jose Valladares called the other Jose and**  
**3 said, Do not allow David and Albert Timbers to**  
**4 work at Prince William High School on August 24th?**

**5 A No. He told that Jose to tell us that, if**  
**6 we came back Monday, we would not work.**

**7 Q And why, in your opinion, did he tell him**  
**8 that?**

**9 A Because he was discriminating against us.**

**10 He didn't want us up there after that accident**  
**11 between my nephew and the white bricklayer.**

**12 Q Were you offered work opportunities by**  
**13 Jose or Wilbur after August 24th?**

**14 A Yeah. I went back to work for Wilbur.**

**15 Q When did you go back to work for Wilbur?**

**16 A The last day I went back was the 14th. I**  
**17 went back on the 14th, and the last day I worked**  
**18 for Wilbur was the 15th of September.**

**19 Q Could you have worked for Wilbur on**  
**20 August 24th?**

**21 A I probably did work for him in August, but**  
**22 I would say September 15th, the 14th was the**

Conducted on July 18, 2022

	61		63
1 <b>last -- because I had been off since that Friday</b>		1 <b>him work.</b>	
2 <b>when he told us if we come back to work Monday, I</b>		2 Q But your brother, Anthony Timbers, was	
3 <b>had been off until, like, the 14th of September,</b>		3 working on some days during that time period under	
4 <b>when I went back.</b>		4 Jose?	
5 Q When you say you had been "off," what do		5 <b>A Yes. To my knowledge, yes, he was.</b>	
6 you mean?		6 Q Do you think that Jose did not give you	
7 <b>A That means I didn't have no workplace -- I</b>		7 work at that site because of your prior	
8 <b>didn't have a place to go to work, because the job</b>		8 interactions with the knocking the helmet off of	
9 <b>that Wilbur was on wasn't -- something was wrong.</b>		9 the other worker and the incident with your	
10 <b>So I wasn't allowed -- the job was shut down, as I</b>		10 nephew?	
11 <b>was told.</b>		11 MR. RAY, II: Object to the form.	
12 Q So -- but the job being supervised by		12 You can answer.	
13 Jose, was not shut down, there was available work		13 <b>A That was the beginning of it, yes.</b>	
14 there?		14 Q Did Jose ever have any other workplace	
15 <b>A Yeah. For everybody except for African</b>		15 issues with you?	
16 <b>Americans.</b>		16 <b>A Not as I know of.</b>	
17 Q How do you know that there was available		17 Q Did any of your other supervisors ever	
18 work?		18 have any issues with you?	
19 <b>A How do I "know"? Because the school</b>		19 <b>A No.</b>	
20 <b>wasn't even halfway completed by then. I had just</b>		20 Q So other nonblack brick masons were given	
21 <b>worked up there and I was sent back up there.</b>		21 work opportunities at Prince William High School	
22 Q So Jose Valladares was not allowing		22 starting on August 24th?	
	62		64
1 African Americans to work at the worksite?		1 <b>A There was no black bricklayers up there</b>	
2 <b>A Brick masons.</b>		2 <b>except for me and my brother.</b>	
3 Q Did your brother, Anthony Timbers, work at		3 Q How many black bricklayers are there,	
4 that site?		4 typically, on a site?	
5 <b>A Yeah, he's a laborer.</b>		5 <b>A I couldn't tell you that. I never seen a</b>	
6 Q What's the difference between a laborer		6 <b>black bricklayer, except for me and my brother, on</b>	
7 and a brick mason?		7 <b>any site I went to.</b>	
8 MR. RAY, II: Objection to form.		8 Q So on any sites where you worked for	
9 You can answer.		9 Telligent, there were no black bricklayers, at	
10 <b>A The difference between laborer and brick</b>		10 all?	
11 <b>mason, a laborer carry brick, a brick mason lay</b>		11 <b>A Not to my knowledge.</b>	
12 <b>brick.</b>		12 Q Did you ever complain to Jose or Wilbur	
13 Q But Jose Valladares let your brother work		13 about discrimination because of a lack of black	
14 at that site for all available dates in August or		14 bricklayers at other sites?	
15 September?		15 <b>A No.</b>	
16 <b>A Yeah, but he was discriminating against</b>		16 Q In your experience with the other	
17 <b>him, also.</b>		17 companies that you worked for, are there,	
18 Q How was Jose discriminating against		18 typically, a lot of black bricklayers?	
19 Anthony Timbers?		19 <b>A With Larry Fells, the company is black,</b>	
20 <b>A Well, I would prefer Anthony to answer</b>		20 <b>there might be two or three Hispanic bricklayers.</b>	
21 <b>that for you; but as far as I know, my brother</b>		21 Q And how many other bricklayers might there	
22 <b>told me that he -- a couple of days, he didn't let</b>		22 be?	

Conducted on July 18, 2022

65

1   **A I don't know, I don't count bricklayers.**  
 2   **I just know there's more than one black bricklayer**  
 3   **besides myself.**

4   Q Did you have a good relationship with  
 5   Larry Fells?

6   **A Yes, I did. I have a good relationship**  
 7   **with just about everybody I work for, except for**  
 8   **Telligent.**

9   Q Did Larry Fells ever complain about your  
 10 workmanship?

11   **A No.**

12   MR. MOURGES: Can we take a break for a  
 13 couple of minutes?

14   MR. RAY, II: Sure.

15   THE VIDEOGRAPHER: Stand by.

16   We are going off the record at 11:16.

17   (A recess was taken.)

18   THE VIDEOGRAPHER: Okay. We are on the  
 19 record at 11:30 a.m.

20 BY MR. MOURGES:

21   Q So Mr. Timbers, before we broke, you had  
 22 mentioned that, at the Prince William High School

67

1   Q From the site that Wilbur was supervising  
 2 at Faraday Park East?

3   **A Right.**

4   Q Did Wilbur send other people from Faraday  
 5 Park East to Prince William High School on that  
 6 day?

7   **A Everybody that was working for Wilbur was**  
 8   **supposed to report to the high school in**  
 9   **Gainesville.**

10   Q How many people, to your knowledge,  
 11 reported to Wilbur?

12   **A "Reported to Wilbur"?**

13   Q Reported to Wilbur. That Wilbur was the  
 14 supervisor of how many people?

15   **A I don't know. I don't know how many**  
 16 **people was there. The "10 or 12" was just an**  
 17 **example that I used.**

18   Q Did Wilbur -- do you know if Wilbur told  
 19 the 10 or 12 people, in addition to you and your  
 20 brother, to go from Faraday Park East to  
 21 Prince William High School on August 21st?

22   **A As I was saying, the whole crew that was**

68

1 sites, there were 10 to 12 people on your team; is  
 2 that correct?

3   **A That was just an example. I know there**  
 4 **were more than just two people. I just said 10 or**  
 5 **12. I told Jose how can you not have work for two**  
 6 **people when you can have work for 10 or 12 other**  
 7 **people? I don't know how many people there was,**  
 8 **I was just saying that.**

9   Q So when you were sent from Faraday Park to  
 10 Prince William, you were sent over with other  
 11 people?

12   **A No. Me and my brother went. Everybody**  
 13 **that was on that crew at Faraday was supposed to**  
 14 **report there. But I had talked to a couple of**  
 15 **bricklayers, and they said they weren't coming**  
 16 **there until Monday; but as me and my brother were**  
 17 **ready to leave, they showed up.**

18   Q So who told you to go to --

19   **A Wilbur.**

20   Q Wilbur told you to go to Prince William  
 21 High School on or about August 21st?

22   **A Yes.**

1 **working at Faraday Park East was to report to the**  
 2 **high school, in Gainesville, that Friday.**

3   Q And when he told you and your brother to  
 4 report to Gainesville, did he say to report there  
 5 for the day, or for a long-term assignment?

6   **A He just said "report there." He didn't**  
 7 **say -- that's all he said. That's why we were**  
 8 **supposed to go to work that day.**

9   Q Did -- did you understand or believe that  
 10 you were supposed to report back to Faraday Park  
 11 East on Monday?

12   **A No, I didn't.**

13   Q Did you think that you were supposed to  
 14 work at Prince William High School on that  
 15 following Monday?

16   **A That I thought I was? No. Because I was**  
 17 **already told that Friday, the same Friday, that we**  
 18 **weren't going to work if we came back.**

19   Q Were the -- do you know if the other  
 20 masons were told that they were going to be going  
 21 over to Prince William High School for a day or  
 22 for an extended assignment?

Conducted on July 18, 2022

69

**1 A I don't know what was going on. All I  
2 knew, everybody on that crew was supposed to  
3 report to the high school. Whatever he told the  
4 rest of the bricklayers, I have no knowledge of.**

**5 Q Do you know if the rest of the bricklayers  
6 that went over with you to Prince William High  
7 School showed up at Faraday Park East on the  
8 Monday after that Friday?**

**9 A I don't know why they showed up. Because  
10 Faraday Park was supposed to be shut down.**

**11 Q Do you know if those workers showed up for  
12 work at Prince William High School on --**

**13 A I don't know. I didn't go back.**

**14 MR. RAY, II: You have to let him finish  
15 the question.**

**16 THE WITNESS: Okay. Sorry.**

**17 A I don't know. I didn't go back.**

**18 Q At that point on August 21st or  
19 August 24th, did you ever ask where you were  
20 supposed to show up on August 24th?**

**21 A I had called Tranquilino and asked him,  
22 did he have a different site he could send me to.**

**1 call for Joe, you called for anyone at Telligent  
2 to see where work would be located?**

**3 A Right.**

**4 Q And what were you told?**

**5 A Joe told me that I had started fighting  
6 with a bricklayer.**

**7 And I said, What? If I started a fight  
8 with a bricklayer, why am I still working for you  
9 all? It wasn't me, it was my nephew.**

**10 The stories kept changing.**

**11 Q Joe Williams specifically noted that you  
12 were being denied work because of an altercation?**

**13 A That was the first time I ever spoke with  
14 Joe.**

**15 Q That doesn't answer the question.**

**16 On August 21st, did Joe indicate that you  
17 were being denied work because of an altercation?**

**18 A I called, and, like I said, Joe answered  
19 the phone. And I said, Do y'all have any place  
20 that me and my brother can work Monday?**

**21 And he said he would call me back. Which  
22 he called me back and we spoke a few minutes.**

70

**1 Q When did you call Tranquilino?**

**2 A I think I called him that Monday, numerous  
3 times, like two or three times.**

**4 Q So you think that you called Tranquilino  
5 on August 24th, numerous times to request work?**

**6 A Yeah. That Monday.**

**7 Q Why did you call him to request work if  
8 you thought that you were being denied work?**

**9 A Because I thought maybe there was another  
10 site he would send us, other than with Jose.**

**11 Q On August 21st, after your day at  
12 Prince William High School, did you call anyone to  
13 discuss future work opportunities the next week?**

**14 A I called Tranquilino.**

**15 Q You called Tranquilino on August 21st?**

**16 A No. I called Joe on August 21st, the day  
17 after the workday was over and he told us that we  
18 weren't going to come back that Monday, he wasn't  
19 going to work me and my brother. I called Joe,  
20 but I didn't know who was going to answer the  
21 phone. I just called the main office that day.**

**22 Q So on August 21st, after work, you did not**

**1 And I told him, I don't know what  
2 happened. But anyway, I don't think we got  
3 everything resolved at that time. So I waited  
4 until Monday, and I called Tranquilino, because I  
5 had his cell phone number in my phone.**

**6 Q So did -- so Joe Williams told you to call  
7 back on Monday to...**

**8 A No, Joe didn't tell me to call back on  
9 Monday.**

**10 Q Why did you decide to call back on Monday?**

**11 A Because I was trying -- because I don't  
12 know Joe. I knew Tranquilino, so I figured I'd  
13 wait until Monday and call him, because me and Joe  
14 couldn't resolve nothing.**

**15 Q How did you know Tranquilino?**

**16 A Because I had called him numerous times,  
17 and they gave me his cell phone number, so that's  
18 who I would contact.**

**19 Q So you had called Tranquilino numerous  
20 times before August 21st?**

**21 A No, I didn't say that.**

**22 Q So how --**

71

Conducted on July 18, 2022

	73		75
<b>1 A I said I called him the 24th, which was</b>		1 conversation you had with him on August 24th?	
<b>2 the Monday, or the 23rd, or whatever it was.</b>		<b>2 A To my knowledge, yes.</b>	
3 Q So in your answers to interrogatories, you		3 Q When he failed to call you back, what did	
4 indicated on August 24th, between 8:30 and		4 you do?	
5 9:00 a.m., you called Joe Williams to follow up on		<b>5 A There was nothing I could do except wait</b>	
6 your conversation from Friday with Joe Williams.		<b>6 until the next day.</b>	
7 Is that who you called on Monday?		7 Q Did you attempt to show up at any	
<b>8 A I called Tranquilino.</b>		8 worksite?	
9 Q So you did not call Joe Williams on		<b>9 A No.</b>	
10 Monday?		10 Q Did you attempt to call Jose Valladares to	
<b>11 A No. I spoke to Joe Williams on Friday,</b>		11 get work?	
<b>12 and that was the last time I spoke to him.</b>		<b>12 A No.</b>	
13 Q So do you have any records of talking with		13 Q Why not?	
14 Tranquilino on Monday, the 24th of August?		<b>14 A The guy that's discriminating against me</b>	
<b>15 A Only on my phone, which was broken.</b>		<b>15 and refusing me work? Why would I call him?</b>	
16 Q So you don't have any means of confirming		16 Q Did you attempt to get work from	
17 that, other than your memory?		17 Wilbur Bonilla?	
<b>18 A Right, because everything was in the phone</b>		<b>18 A Wilbur's job was shut down.</b>	
<b>19 571-326-9984 number, which my attorneys have.</b>		19 Q Why didn't you call to ask him if there	
20 Q So you're stating that, on August 24th,		20 was another site that you could go to?	
21 you called Tranquilino.		<b>21 A I called Tranquilino.</b>	
22 What did you talk about with Tranquilino,		22 Q Normally, do you call the general	
	74		76
1 on August 24th?		1 superintendent for work, or do you call the	
<b>2 A I asked him if he had a workplace he could</b>		2 immediate supervisor?	
<b>3 send us. He was supposed to call me back, and he</b>		<b>3 A The supervisor, which I call "foreman."</b>	
<b>4 never called back.</b>		<b>4 They tell me where to go. They call the</b>	
5 Q Did you speak with Tranquilino on the		<b>5 supervisor, and they tell me where the supervisor</b>	
6 24th?		<b>6 said go.</b>	
<b>7 A Yes, I did.</b>		7 Q But on a day-to-day basis, you would	
8 MR. RAY, II: Try it again, you've got to		8 normally call your foreman to figure out where you	
9 let him finish. You gave the answer at the same		9 need to go to work?	
10 time, I couldn't hear the answer.		<b>10 A No, I wouldn't call my foreman on a</b>	
<b>11 A Yes. Yes, I did.</b>		<b>11 day-to-day basis, because if he tell me the job is</b>	
12 Q So how many calls did you have with		<b>12 shut down, he's going to call me when it starts</b>	
13 Tranquilino?		<b>13 back up.</b>	
<b>14 A I -- sorry.</b>		14 Q So when you spoke briefly with	
15 Q How many calls did you have with		15 Tranquilino Villegas on August 24th, what did you	
16 Tranquilino Villegas, on August 24th?		16 tell him about the circumstances of being denied	
<b>17 A I called one time, he answered. He was</b>		17 work?	
<b>18 supposed to call back. He didn't call back. I</b>		<b>18 A I can't recall what I told him.</b>	
<b>19 called two or three more times, maybe four times,</b>		19 Q Did you mention anything about	
<b>20 I can't recall.</b>		20 discrimination?	
21 Q So you actually spoke with Tranquilino.		<b>21 A Not to my knowledge. I don't think I did</b>	
22 And he was supposed to call you back, based on a		<b>22 to him.</b>	

Conducted on July 18, 2022

77

79

1 Q Why didn't you?  
 2 **A Because he was supposed to call me back  
 3 and send me to another worksite. And, at the  
 4 time, that wasn't even on my mind.**

5 Q So when you called him, you were not  
 6 concerned with discrimination, you just wanted to  
 7 get back to work?

8 MR. RAY, II: Object to the form.

9 You can answer.

10 **A Yes.**

11 Q Do you think that there wasn't work  
 12 available because there wasn't enough work to go  
 13 around?

14 **A What do you mean "enough work to go  
 15 around"?**

16 Q Do you think that there was enough work to  
 17 provide opportunities to all the brick masons?

18 **A They had -- that company keep numerous  
 19 jobs, I'm pretty sure there was work somewhere I  
 20 could have been assigned to, other than the  
 21 Gainesville High School.**

22 Q Did you attempt to get reassigned to any

1 then, all of a sudden, I just decided he wasn't  
 2 going to answer my calls no more. I stopped  
 3 calling him.

4 Q And you didn't follow up with anyone else,  
 5 to voice concern about discrimination at that  
 6 point in time?

7 **A No, not to my knowledge. I don't  
 8 remember.**

9 Q And you were, eventually, returned to work  
 10 after that, after August 24th?

11 **A I returned to work September the 14th.**

12 Q Why didn't you return to work prior to  
 13 September 14th?

14 **A Why? I think a minute ago I said  
 15 Tranquilino didn't answer my phone calls anymore,  
 16 so I stopped calling him, and I just waited for  
 17 Wilbur to call me. And Wilbur called me, and I  
 18 went back to work September the 14th, which was a  
 19 Monday.**

20 Q So without you contacting Wilbur, Wilbur  
 21 affirmatively reached out to you to offer you a  
 22 new work opportunity?

78

80

1 of those other places outside of Prince William  
 2 High School?

3 **A No, I didn't.**

4 Q Why not?

5 **A Because I was waiting for the job to open  
 6 back up at Faraday Park.**

7 Q So -- so you did not show up to work at  
 8 Prince William High School because you were  
 9 waiting on an additional opportunity at Faraday  
 10 Park?

11 **A I was already told not to come back. Why  
 12 would I keep trying to go back somewhere where  
 13 somebody don't want me.**

14 Q So on August -- well, on August 24th, you  
 15 called Tranquilino, tried to call him again,  
 16 didn't receive any calls back.

17 Did you call him again later that week to  
 18 find work?

19 **A Yes.**

20 Q When did you call him again?

21 **A I can't recall. It might have been the  
 22 next day, it might have been two days later, but**

1 **A I mean, I wasn't terminated or nothing.**

2 Q But Wilbur did not call you prior to that  
 3 because there was simply a lack of work, or do you  
 4 know why he didn't call you before then?

5 MR. RAY, II: Objection to the form.

6 BY MR. MOURGES:

7 Q Do you know why he didn't call you before,  
 8 then, before September 14th?

9 **A Because the Faraday Park East job was shut  
 10 down.**

11 Q And then you went -- you went back to work  
 12 at the Faraday Park East site on September 14th?

13 **A Yes.**

14 Q How many days did you work at the Faraday  
 15 Park East site --

16 **A I went -- excuse me.**

17 MR. RAY, II: You've got to let him  
 18 finish.

19 Q How many days did you work at the Faraday  
 20 Park East site on September 14th?

21 MR. RAY, II: David, please try to wait.  
 22 THE WITNESS: I know, I'm sorry.

Conducted on July 18, 2022

	81		83
1 BY MR. MOURGES:		1 he seen them, he putting them to work, so I told	
2 Q How many days did you work at the Faraday		2 my brother, Wait, I'm going to see what's going	
3 Park East site, September 14th onward?		3 on. And when I got over there, he said, Get your	
4 A I went back on the 14th. I worked that		4 tools, get your tools, and that's when I was. So	
5 day, and then I worked, like, a half day on the		5 I was denied that day.	
6 15th.		6 Q What were you denied?	
7 Q Why did you only work a half day on the		7 A I was denied work. I was already told	
8 15th?		8 there was no place for me to work, or my brother	
9 A Because when we got to the top of the		9 to work.	
10 third floor, the windows were either in too far or		10 Q But you and your brother worked a full day	
11 out too far.		11 on August 21st?	
12 Q Did Wilbur ever indicate when the window		12 A Yes, we did.	
13 issue would be resolved and there would be future		13 Q After that, did you ever on August 24th --	
14 work for you?		14 on the week of August 24th, did you ever attempt	
15 A No.		15 to show up at the Prince William High School to do	
16 Q Wilbur Bonilla never -- did not call you		16 work?	
17 on September 15th?		17 A No, I didn't.	
18 A I was working on the 15th.		18 Q And you never attempted to -- you refused	
19 Q Did Wilbur Bonilla call you on		19 to do work at Prince William High School?	
20 September 15th, 2020?		20 A I didn't "refuse" to do work at	
21 A Yeah, to tell me to go to the high school.		21 Prince William High School. I was refused to be	
22 Q And what did you tell Mr. Bonilla during		22 able to work at Prince William High School.	
	82		84
1 that conversation?		1 Q But you were told to show up to work at	
2 A I asked him why did Tranquilino kept		2 Prince William High School on September 16th, and	
3 sending us to the high school, when he know that		3 you did not show up?	
4 Jose was going to deny us to work there; and he		4 A No, I didn't.	
5 said he didn't know.		5 Q No, you did not what?	
6 Q Did you ever show up at the Prince William		6 A I did not show up.	
7 High School and were denied work when you showed		7 Q But you were offered work on	
8 up?		8 September 16th?	
9 A Yeah, the 21st of August.		9 A To the same place that -- yes, I was told	
10 Q Didn't you work at the Prince William High		10 to go to the same foreman at the Prince William	
11 School on August 21st?		11 High School, who I knew was not going to work me.	
12 A Yes, I did.		12 I'm not going to go up there and waste my time to	
13 Q So explain how you were denied a work		13 drive all the way up there and come back. It's	
14 opportunity on August 21st, when you worked that		14 not worth it.	
15 day.		15 Q But Wilbur Bonilla and	
16 A On the 21st, I was denied work because		16 Tranquilino Villegas both told you that there was	
17 Jose told us there wasn't nothing ready and there		17 work there on September 16th?	
18 was no place for us work.		18 MR. RAY, II: Objection. I think we're at	
19 Q But Jose gave you work on August 21st?		19 asked and answered at this point.	
20 A Not that Jose, the other Jose. Not		20 But, David, you can go ahead and answer it	
21 Jose Valladares, there's another one named Jose.		21 again.	
22 I guess he seen -- when the rest of the crew came,		22 A Yes.	

Conducted on July 18, 2022

85

87

1 Q On September 16th, did you ever attempt to  
 2 figure out if there were other work opportunities  
 3 available for you?

4 **A No.**

5 Q Did you -- did you ever call anyone about,  
 6 as a result of your being assigned to  
 7 Prince William High School on -- being assigned to  
 8 Prince William High School on September 16th?

9 **A I think I might have called Jose on  
 10 September 16th or the 18th, one of those days.**

11 Q When you spoke with Jose on either the  
 12 16th or the 18th, what did you say to him?

13 **A I asked him, Why do you keep refusing me  
 14 and my brother work when we started the job? And,**  
**15 you know, I told him that I feel like you're being  
 16 -- you're discriminating against us, so I'm going  
 17 to file charges with the EEOC.**

18 Q And what did he say to you?

19 **A I hung up the phone after that.**

20 Q How long was this phone conversation with  
 21 Mr. Valladares?

22 **A Anywhere from a minute, it might have been**

1 **come back up. So no, I'm not going to waste my  
 2 time to go out there for no reason.**

3 Q Were you ever told not to show up at a  
 4 given worksite the next week because of an  
 5 unanticipated shortage of work?

6 **A Or the next week.**

7 Q On a Friday, are you ever told by a  
 8 supervisor, for example, Mr. Valladares, not to  
 9 show up the next day or the next week, because  
 10 there will not be enough work available?

11 **A Let me explain it like this -- I'm going  
 12 to say this: If I'm told on the 21st, that if I  
 13 come back on the 24th, I'm not going to work, I'm  
 14 not going to keep going or trying to go there to  
 15 waste my time.**

16 MR. RAY, II: He's asking you a different  
 17 question, David, so listen to the question again.  
 18 It's a different question.

19 THE WITNESS: Okay.

20 **A Say it again.**

21 Q I'm asking: Were you ever, in the course  
 22 of employment with Telligent, ever told on a day,

88

1 **five minutes at the most. It was very short. All  
 2 of my conversations are short on the phone.**

3 Q Did you ever explain to him why you  
 4 thought you were being discriminated against on  
 5 that call?

6 **A Yeah, Because we are black Americans.**

7 Q But what was he doing to black Americans  
 8 that you felt was discriminating against you?

9 **A Denying us work when he allowed Hispanic  
 10 workers to work.**

11 Q But did Jose stop you from working at the  
 12 job on September 16th?

13 MR. RAY, II: Objection, asked and  
 14 answered.

15 You can answer again.

16 **A Yes, he would have. If I had went up  
 17 there, I wouldn't have been able to work. After I  
 18 was already told on the 21st of August, if I come  
 19 back, me and my brother, we're not going to work  
 20 there that Monday, so if we're not going to work  
 21 there that Monday, that means we're not going to  
 22 work for him no more in the future, if we ever**

1 basically, Don't show up to the worksite the next  
 2 day or the next week, because we don't have enough  
 3 work for you or your team, and we will not work  
 4 you as a result?

5 **A And what worksite would that be?**

6 Q I'm not asking about a specific worksite.  
 7 I'm saying: Are you ever told not to show  
 8 up again the next day, because there's no work  
 9 available at the site?

10 **A Is this the high school?**

11 Q I'm not asking about a particular site.

12 **A No, I haven't.**

13 Q All right. No one ever told you not to  
 14 show up at the work -- at that same site the next  
 15 day?

16 **A The same site, meaning which site;  
 17 Faraday, the high school?**

18 Q Any site. If you're working at  
 19 Springfield Metro, for example, on a day, or  
 20 Faraday Park East, or Prince William High School,  
 21 or any other site where Telligent does work, would  
 22 they ever tell you not to show up to work the next

Conducted on July 18, 2022

89

91

1 day, because there was no more work to be done,  
 2 and, therefore, there was no more work available  
 3 to you?

**4 A I really don't know, because I've only  
 5 been refused work when I was sent to the high  
 6 school in Gainesville.**

7 Q How would you know when work was stopping,  
 8 that you should not work the next day?

**9 A Well, how would I know it's stopping?**

**10 Because then I'm on the site when they tell me  
 11 that the job is shut down.**

12 Q So they would tell you on the site to not  
 13 show up the next day because work is going to be  
 14 done, and that has happened before?

**15 A Yes.**

16 Q Do you think that is what was being said  
 17 to you, to not show up to work on Monday,  
 18 August 24th? Were they telling you that work was  
 19 not available, because no more work was going to  
 20 be performed on August 24th; is that why they told  
 21 you not to show up to work?

**22 A On August 24th, I was supposed to go back**

**1 wasn't the person to talk to.**

2 Q When you said you were being  
 3 "discriminated against," did you give her any  
 4 examples or specifics?

**5 A No, not where I remember.**

6 Q Did you ask if she could find someone to  
 7 put you back to work?

**8 A I don't recall.**

9 Q Did you voice any frustration to this  
 10 receptionist?

**11 A No, I didn't.**

12 Q Did you ever make any suggestions that you  
 13 would assault Mr. Valladares, or anyone else, at  
 14 Telligent?

**15 A No, I did not.**

16 Q Did you speak about -- strike that.  
 17 All right. On September 23rd, did you receive  
 18 a call from someone at Telligent?

**19 A Yes, I did.**

20 Q Do you know who it was that called you?

**21 A It was a lady. She didn't give me her  
 22 name and I didn't ask her name. She did say she**

90

92

**1 to the high school.**

2 Q Okay. Did you ever speak with anyone that  
 3 worked at Telligent, whether it was an employee,  
 4 or a brick mason, or a foreman, about the activity  
 5 or availability of work at the sites from  
 6 August 24th through September 15th, other than the  
 7 calls listed in your answers to interrogatories?

**8 A Not to my knowledge.**

9 Q Tell me about your call to Telligent on  
 10 September 22nd, 2020.

**11 A Well, I called the receptionist on the  
 12 22nd, and I was telling her about what Jose was  
 13 doing to us out there at the high school, and she  
 14 told me that -- she wasn't the person that I  
 15 needed to talk to. She would have this person to  
 16 call me the next day, which somebody did call me.  
 17 I didn't get her name. I didn't ask her her name.**

18 Q So when you spoke with this receptionist  
 19 and mentioned Jose, did you mention anything else  
 20 in that conversation?

**21 A Yeah. I told her that I was being  
 22 discriminated against. That's why she said she**

**1 was a resource person, human resource.**

2 Q And what did you talk about with her?

**3 A I told her that Jose was denying me work,  
 4 and I wonder why.**

**5 And she said she was going to do an  
 6 investigation and would get back to me.**

**7 And I told her, I'm still filing**

**8 discrimination charges, and I filed the same day.**

9 Q Did you request to be put back to work?

**10 A No.**

11 Q Did you voice any frustrations to her,  
 12 other than --

**13 A No, I didn't.**

14 MR. RAY, II: Let him finish the question.

15 BY MR. MOURGES:

16 Q Did you -- what, specifically, did you  
 17 tell her about the discrimination that you thought  
 18 had happened?

**19 A I told her that Jose was denying me and my  
 20 brother work because we are black, and Hispanic  
 21 workers can still work at the same place he tells  
 22 us there ain't no work. So...**

Conducted on July 18, 2022

	105		107
1	MR. RAY, II: Listen to his question.	1	<b>evidently, just wasn't paying attention, and</b>
2	BY MR. MOURGES:	2	<b>pulled out in front of traffic and got hit.</b>
3	Q You have never had any charges brought	3	Q And when did that occur?
4	against you relating to drugs or alcohol?	4	<b>A May the 28th, 2022.</b>
5	<b>A Yeah, I said I did.</b>	5	Q But you were not driving that day?
6	Q And then you just said, I have never been	6	<b>A I don't drive. I haven't got my license</b>
7	under the influence of drugs or alcohol.	7	<b>back, so I don't drive.</b>
8	<b>A I had charges brought against me, but what</b>	8	Q How would you get to work at different
9	<b>does that have to do with whether it's in my</b>	9	sites of Telligent without a driver's license?
10	<b>system?</b>	10	<b>A Catch the train, bus, or my brother.</b>
11	MR. RAY, II: Answer the question, please.	11	Q How often would you catch the train or the
12	THE WITNESS: I don't know how to answer	12	bus, versus using your brother?
13	that.	13	<b>A Well, my brother was in the hotel with me.</b>
14	MR. RAY, II: Ask him to rephrase the	14	<b>I got him in the hotel I was in, so we was going</b>
15	question.	15	<b>to work together.</b>
16	<b>A Rephrase the question.</b>	16	Q How far -- you said the hotel was in
17	Q I'll go back to the original question.	17	Herndon?
18	Were you under the influence of drugs or	18	<b>A Yes.</b>
19	alcohol when that bicycle accident occurred?	19	Q How far was Herndon from the
20	<b>A No, I wasn't.</b>	20	Prince William High School site?
21	Q Have you ever been under the influence of	21	<b>A I don't know. I would have to Google it.</b>
22	drugs or alcohol since September of 2020?	22	<b>I don't know.</b>
	106		108
1	<b>A No, never.</b>	1	Q How far was the Herndon hotel from the
2	Q Were you ever, prior to September of 2020,	2	Faraday Park East site?
3	under the influence of drugs or alcohol?	3	<b>A About five or seven minutes.</b>
4	<b>A Sure, back in the '80s.</b>	4	Q Aside from your situation with
5	Q In a typical week, how many days -- during	5	Jose Valladares, did you prefer working at one
6	2020, in a typical week, how many days did you	6	site to the other?
7	want to work?	7	<b>A Did I prefer working --</b>
8	<b>A I wanted to work every day.</b>	8	Q Did you prefer working at Prince William
9	Q Did you seek work every day?	9	High School, versus Faraday Park East?
10	<b>A After I was terminated?</b>	10	<b>A I didn't prefer working at Prince William</b>
11	Q No, during 2020, before your termination,	11	<b>High School because I was denied work. Why would</b>
12	did you seek work every day?	12	<b>I want to keep going to where I'm not wanted?</b>
13	<b>A When I was -- when they had work, I went</b>	13	Q But aside from that issue, are there any
14	<b>to work.</b>	14	reasons why you would prefer one site to the
15	Q How did you know they didn't have work?	15	other, Faraday Park East, versus Prince William
16	<b>A They would tell me. I would be on the</b>	16	High School?
17	<b>job.</b>	17	<b>A As long as I was working, it didn't</b>
18	Q So the bicycle accident occurred on	18	<b>matter.</b>
19	June 2021. You mentioned another accident; can	19	Q Did you ever sleep on a worksite of
20	you please describe that accident for me?	20	Telligent's?
21	<b>A I was riding with this lady and my niece</b>	21	<b>A No.</b>
22	<b>to my niece's graduation in West Virginia, and she</b>	22	Q Did you ever hide from anyone on a

Conducted on July 18, 2022

<p style="text-align: right;">117</p> <p><b>1 A I don't know. I don't know the man's 2 name. He was a white dude.</b></p> <p>3 Q Were there any immediate consequences from 4 Jose Valladares as a result of that conversation?</p> <p><b>5 A Meaning what?</b></p> <p>6 Q Did Jose Valladares ever make any changes 7 to your work schedule as a result of the incident 8 with the knocking off the hat, or the allegations 9 about your bricklaying speed?</p> <p><b>10 A Yeah, when he told me that, because I was 11 going home one day – I was going home that day, 12 that's when he told me that, and me and him had a 13 conversation. He said, Well, you know, I'm not 14 going to fight. Just go to work with one of the 15 other foremans. And that was the last day that I 16 worked for Jose, until I went to work for Wilbur.</b></p> <p>17 Q So Jose didn't think that you were a 18 quality brick mason?</p> <p>19 MR. RAY, II: Objection, form.</p> <p>20 You can answer.</p> <p><b>21 A Evidently, he must did. He didn't fire 22 me. He said, Go work for another bricklayer – I</b></p>	<p style="text-align: right;">119</p> <p>1 Q Did you say anything to the white man who 2 was involved in the altercation?</p> <p><b>3 A No, I didn't.</b></p> <p>4 Q Did anyone say anything to him as a result 5 of that altercation, whether it was your nephew, 6 or the foreman, or anyone else?</p> <p><b>7 A I have no idea.</b></p> <p>8 Q So do you think your brother, Albert, is a 9 good brick mason?</p> <p><b>10 A I think he is.</b></p> <p>11 Q Why do you think he is?</p> <p><b>12 A Because if he wasn't, why would they put 13 him on the wall?</b></p> <p>14 Q Does he show up to work on time?</p> <p><b>15 A He shows up.</b></p> <p>16 Q How fast does he lay bricks?</p> <p><b>17 A He's not as fast as me, because he's an 18 apprentice.</b></p> <p>19 Q About how fast do you think that he lays 20 bricks?</p> <p><b>21 A I can't tell you how fast he is, because I 22 just focus, as I said, on my work and what I'm</b></p>
<p style="text-align: right;">118</p> <p><b>1 mean, another foreman.</b></p> <p>2 Q But he told you not to work for him?</p> <p><b>3 A He didn't tell me not to work for him. He 4 just said he's not going to fire me, because I 5 told him I was going home. He just told me, Just 6 try and work for another foreman. So if my work 7 wasn't quality, I think he would have got rid of 8 me.</b></p> <p>9 Q During that conversation, did you ever say 10 anything about threatening physical harm to him?</p> <p><b>11 A No, I didn't.</b></p> <p>12 Q Did you ever talk to him, to 13 Jose Valladares, later, where you threatened 14 physical harm?</p> <p><b>15 A No, I didn't.</b></p> <p>16 Q Did you ever tell anyone else that you 17 were going to commit physical harm against Jose?</p> <p><b>18 A No, I did not.</b></p> <p>19 Q Did you ever tell anyone at Telligent that 20 you were going to commit any act of violence 21 against any other Telligent employee?</p> <p><b>22 A No, never.</b></p>	<p style="text-align: right;">120</p> <p>1 Q Doing. I don't focus on what other people is 2 doing.</p> <p>3 Q Do you have any idea how fast you were 4 laying bricks?</p> <p><b>5 A Well, I'll tell you, I will put it like 6 this: I'm not as fast as I used to be when I was 7 20 years old. So that's it.</b></p> <p>8 Q How fast were you at laying bricks when 9 you were 20?</p> <p><b>10 A Fast enough where people my age now tell 11 me, Slow down young buck, which I never understood 12 what they meant, but as I got older...</b></p> <p>13 Q In 2020, could you lay more than 20 bricks 14 an hour?</p> <p><b>15 A Say what?</b></p> <p>16 Q In 2020, could you lay more than 20 blocks 17 in an hour?</p> <p><b>18 A Sure.</b></p> <p>19 Q Did you?</p> <p><b>20 A Way more.</b></p> <p>21 Q How many more?</p> <p><b>22 A I don't know. I didn't count.</b></p>

Conducted on July 18, 2022

	133		135
1 the end -- I'm sorry. We are off the record at		1 Q Why did you not receive any unemployment?	
2 12:50.		2 A Because I had filed before, and -- I	
3 (A recess was taken.)		3 forget what all happened. I can't recall what all	
4 THE VIDEOGRAPHER: We are back on the		4 happened, but I didn't end up getting no	
5 record at 1:02 p.m.		5 unemployment.	
6 MR. MOURGES: Okay. Mr. Timbers, thank		6 Q Okay. On the fifth -- or fourth page,	
7 you for your patience. I only have a few more		7 it's marked, "Telligent Bates 23," it provides	
8 questions, and I don't think it will last very		8 statements relating to -- from Telligent relating	
9 long.		9 to the basis for your termination.	
10 I, first, want to enter in as an exhibit,		10 Do you agree with the statements contained	
11 this. This is exhibit what number?		11 therein?	
12 THE COURT REPORTER: 5.		12 A No, I don't.	
13 MR. MOURGES: 5.		13 Q What don't you agree with?	
14 THE COURT REPORTER: So do you care if I		14 A Because I don't agree with them -- they	
15 put the sticker here?		15 fired me the same day that I said that I was	
16 MR. MOURGES: That's fine.		16 filing charges.	
17 (Whereupon, the above-referenced document		17 Q Do you disagree with the statement that	
18 was marked as Exhibit No. 5.)		18 says, "What was the final incident that led to	
19 (Documents passed.)		19 discharged/suspension"?	
20 MR. RAY, II: I think I got two copies,		20 "Claimant threatened to harm employee on	
21 counsel.		21 several occasions."	
22 BY MR. MOURGES:		22 A I never threatened anybody or to harm	
	134		136
1 Q Mr. Timbers, have you had a chance to		1 anyone.	
2 review Exhibit 5?		2 Q Did you receive a copy of the	
3 (Whereupon, a pause in the proceedings		3 antiharassment policy?	
4 occurred.)		4 A I can't recall.	
5 A Yes, I have.		5 Q Did you receive a copy of the employee	
6 Q So what do these relate to?		6 handbook when you were hired?	
7 A This relates to something about some		7 A Yes, I did.	
8 threats.		8 Q On the second-to-last page, "Telligent	
9 Q So if you read the top of the third page,		9 Bates 200," it indicates that the, "Reason for	
10 it's a filing with, "Virginia Employment		10 Separation," was, "Lack of Work."	
11 Commission Employer's Report of Separation and		11 Was that -- did you indicate that there	
12 Wage Information." This was in response to a		12 was a lack of work on January 23rd, 2020?	
13 claim for unemployment insurance that I believe		13 A Yes, because I wasn't working.	
14 you made.		14 Q Okay. Did you ever get any unemployment	
15 Did you, in fact, make a claim for		15 compensation as a result of that?	
16 unemployment insurance on October 1st, 2020?		16 A I haven't drawn unemployment.	
17 A I think I called -- yeah, I did call.		17 Q You've never received unemployment	
18 Q And you requested unemployment		18 insurance benefits?	
19 compensation at that point?		19 A Way before this, back in the '90s.	
20 A Yes.		20 MR. MOURGES: Okay. And then one more	
21 Q Did you receive any?		21 exhibit.	
22 A No, I didn't.		22 (Whereupon, the above-referenced document	

Conducted on July 18, 2022

	137		139
1 was marked as Exhibit No. 6.)		1 was denied work at Prince William High School.	
2 (Documents passed.)		2 And she said, Oh, I'm not the person that	
3 Q So Exhibit 6 is a packet relating to your		3 you want to talk to. She's not in, I'll have her	
4 termination notice and other documents that		4 call you tomorrow.	
5 Telligent provided in the EEOC proceedings. The		5 Q Did you mention any of your supervisors,	
6 third page, Plaintiff 18, at the bottom, indicates		6 whether it was Jose Valladares or other people	
7 that, "Mr. David Timbers made several verbal		7 like Joseph Williams or Tranquillo?	
8 threats towards another employee in addition to		8 <b>A No, I didn't.</b>	
9 poor work performance."		9 Q You did not mention anyone else to her?	
10 Do you agree with that statement?		10 <b>A No.</b>	
11 <b>A I never threatened anyone.</b>		11 Q On, "Telligent Bates 89," it's about three	
12 Q Do you agree with the statement that you		12 or four more pages in, it's an, "Employee	
13 had "poor work performance"?		13 Complaint Form," from Jose Valladares. It	
14 <b>A I was never told my work performance was</b>		14 describes an incident with you on September 18th.	
15 <b>poor by anybody at Telligent Masonry.</b>		15 Did you call Jose Valladares on	
16 Q Aside from not being told, do you think		16 September 18th?	
17 that your work performance was poor?		17 <b>A Yes, I did.</b>	
18 <b>A No, it wasn't.</b>		18 Q Did you state that Jose only gives work to	
19 Q On the following page, the position		19 white and Hispanic employees?	
20 statement, "Plaintiff 19," at the bottom, this is		20 <b>A Yes, I did.</b>	
21 a, "Position Statement," of Telligent, from		21 Q And did you state that you would be	
22 December 2nd, 2020, in which the first paragraph,		22 reporting the company to the labor board?	
	138		140
1 it says, "Brionna Prater," the receptionist that		1 <b>A It's possible.</b>	
2 you called on September 22nd, said that you said,		2 Q Do you think that you did?	
3 "if Jose doesn't put him on the schedule, he was		3 <b>A I might have.</b>	
4 going to go up there and beat his ass."		4 Q Do you know -- turning to the next page,	
5 Did you make that statement to Ms. Prater?		5 "Telligent Bates 90," do you know a foreman by the	
6 <b>A No, I didn't.</b>		6 name of David Arnold?	
7 Q Did you make any statement similar to that		7 <b>A No, I don't.</b>	
8 to Ms. Prater?		8 Q You've never worked with someone named	
9 <b>A No.</b>		9 David Arnold?	
10 Q So you did not -- you did not verbally		10 <b>A Not as I know of.</b>	
11 threaten Jose Valladares three times during that		11 Q Have you ever worked with a foreman named	
12 phone conversation?		12 Niesha?	
13 <b>A Not at all.</b>		13 <b>A Yeah.</b>	
14 Q Did you express frustration about not		14 Q When did you work under her?	
15 getting assigned work to Ms. Prater?		15 <b>A When I was in Springfield.</b>	
16 <b>A No, I didn't, because she didn't want to</b>		16 Q Did she ever decide not to work you?	
17 <b>talk to me. She said she wasn't the person to</b>		17 <b>A No. But when I didn't go -- when me and</b>	
18 <b>talk to.</b>		18 <b>Jose told me he wasn't going to fire me, she told</b>	
19 Q Did you say anything to her?		19 <b>my brother, asked my brother, Did I want to come</b>	
20 <b>A Yeah, what I said I said.</b>		20 <b>back to work for her, and I never came back to</b>	
21 Q What did you say you said?		21 <b>work for her because I didn't want to work for</b>	
22 <b>A I told her that I was calling because I</b>		22 <b>her. She wanted me to come back.</b>	

Conducted on July 18, 2022

	153		155
1 previously, but from what you can recall from 2019 2 till '20 -- August of 2020, when you said you were 3 experiencing racial discrimination, did you ever 4 experience any racial discrimination, any 5 harassment at all, from Telligent?		1 <b>A It started after the incident.</b> 2 Q And what instances of discrimination or 3 harassment did you experience? 4 <b>A Well, I experienced that, you know that</b> 5 <b>they fired my nephew. Like I said, on any job</b> 6 <b>site, they fire both people, because that's the</b> 7 <b>way it's done. So I felt discriminated against,</b> 8 <b>because they didn't fire the other guy, and they</b> 9 <b>fired the black person, who was my nephew.</b>	
6 <b>A Before that?</b> 7 Q From when you came back in March of 2019, 8 to when you said discrimination started to occur 9 around July or August of 2020?		10 Q Okay. And outside of that incident where 11 your nephew was fired, were there any other 12 incidents of discrimination that you experienced? 13 <b>A My brother quit and my nephew quit. Both</b> 14 <b>of my nephews quit, and I was the only one out</b> 15 <b>there, and I felt discriminated against right at</b> 16 <b>that moment.</b>	
10 <b>A Yeah. I mean, I didn't face anything</b> 11 <b>until, like I said, after the incident with my</b> 12 <b>nephew, that's when it started changing.</b> 13 Q Okay. And you said that incident occurred 14 in 2019?		17 Q Okay. And why -- did your brother 18 specifically tell you why he quit? 19 <b>A Yeah.</b> 20 Q And why was that? 21 <b>A Because they didn't fire the white guy,</b> 22 <b>and he felt like they just fired my nephew because</b>	
15 <b>A Yes.</b> 16 Q Correct. Okay, but do you remember what 17 date in 2019 that occurred? 18 <b>A No, I don't.</b> 19 Q And do you recall what worksite that 20 occurred on? 21 <b>A It was at Prince William High School.</b> 22 Q Okay. So based off of your answers, you	154	21 <b>he's a black American.</b> 22 Q Which brother was this? 3 <b>A Albert.</b> 4 Q Albert, okay. And you have two brothers; 5 is that correct? 6 <b>A Yes.</b> 7 Q Were both of the brothers -- did they work 8 at the Telligent site? 9 <b>A Yes, they did. Yes, they did.</b> 10 Q Okay. So Albert quit; is that correct? 11 <b>A He quit --</b> 12 Q Okay. And your other brother, can you 13 state his name? 14 <b>A Anthony.</b> 15 Q Anthony. And did Anthony continue to work 16 at Telligent? 17 <b>A Yeah.</b> 18 Q Okay. Do you know if he still currently 19 works there? 20 <b>A No, none of us work there anymore.</b> 21 Q Okay. So I want to go back to something 22 you previously said, you stated, at any worksite	156
1 did say that you were hired back again on 2 January 24th, 2020, at Telligent? 3 <b>A January?</b> 4 Q Yes, I believe that's the date we just 5 went over in your answers to interrogatories. 6 <b>A I thought it was March, it might have been</b> 7 <b>January. Was that at the Faraday Park?</b> 8 Q I believe so. You said you were hired 9 back at Telligent, and you didn't give us a 10 specific worksite. 11 <b>A I was hired back in 2020.</b> 12 Q Okay. Do you think it might have been the 13 Faraday site? 14 <b>A It was the Faraday site, that's the only</b> 15 <b>place I went to work.</b> 16 Q Okay. Well, from January 2020, until when 17 the incident occurred, or you said the 18 discrimination started to occur in July 2020, did 19 you experience any racism during that time -- from 20 Telligent? 21 <b>A During what time?</b> 22 Q From January 2020 until July 2020?			

Conducted on July 18, 2022

	169		171
<b>1 A It was in the morning. I can't recall the 2 exact time, but I know it was after 7:00.</b>		<b>1 A No, when I got these papers, I filed the 2 claim.</b>	
3 Q Okay. So is it your claim in this matter 4 that Ms. Taylor did not investigate your claim of 5 discrimination and recommended that you be fired 6 solely for making the claim?		3 Q Okay. So when you filed the claim, that's 4 when you were notified of Ms. Taylor's name?	
<b>7 A Yes.</b>		<b>5 A Yeah, when I got this from my attorney.</b>	
8 Q Okay. What evidence do you have of that?		6 Q Okay. Well, on September 23rd, 2020, 7 after you spoke with the HR representative, did 8 you speak with anybody else --	
9 MR. RAY, II: Object to the form of the 10 question.		<b>9 A No.</b>	
11 You can answer it.		10 Q -- that day.	
<b>12 A I don't have no evidence. All I know, I 13 was fired the same day that she told me she was 14 going to investigate what I had told her.</b>		11 So after you made this claim -- or 12 explained the situation to Ms. Taylor, what did 13 you do for the remainder of September 23rd, 2020?	
15 Q And how did you receive notice that you 16 were fired?		<b>14 A What did I "do"?</b>	
<b>17 A When I got my last paycheck.</b>		15 Q Yeah, like did you speak with anyone, did 16 you go somewhere?	
18 Q And when did you receive your last 19 paycheck?		<b>17 A No, I didn't.</b>	
<b>20 A That Friday.</b>		18 Q Okay. And you didn't -- okay, strike 19 that.	
21 Q Okay. So were you notified that day, or 22 were you notified later when you received your		20 Do you recall the reasons for your 21 termination that were outlined in the termination 22 notice?	
	170		172
1 last paycheck?		<b>1 A Do I what?</b>	
<b>2 A Notified what?</b>		2 Q Recall the reasons that were stated in the 3 termination notice?	
3 Q That you were terminated.		<b>4 A No. Because they said my work performance 5 was bad, I threatened employees.</b>	
<b>4 A I didn't find out until I got my last 5 paycheck. It was a paper attached to the check.</b>		6 Q Okay. And prior to receiving the 7 termination, did you make any verbal or physical 8 threats towards any employee or representative of 9 Telligent?	
6 Q Okay. And it had the date that your 7 termination was September 23rd, 2020?		<b>10 A No, I have never.</b>	
<b>8 A Twenty-third.</b>		11 Q Okay. And you did not speak to anyone and 12 said that you wanted to commit any physical acts 13 towards any Telligent employee?	
9 Q And is it your claim today that 10 Ms. Taylor, herself, made up the false allegations 11 of poor work performance, or that someone else 12 falsely reported that to her?		<b>14 A No.</b>	
<b>13 A I don't know who made it up. I couldn't 14 answer that.</b>		15 Q Okay. And from your understanding, what 16 was Ms. Taylor's role with Telligent?	
15 Q Okay. Well, from your experience, did 16 Ms. Taylor ever supervise you at any of your 17 worksites?		<b>17 A As of now, I know she's the human resource 18 person.</b>	
<b>18 A I don't know who Ms. Taylor is. I've 19 never seen her.</b>		19 Q Okay. And typically, through your 20 experience, what is the role of a human resource 21 officer?	
20 Q Okay. But you said you discovered the 21 name when you received the notice of termination 22 from the HR representative?		<b>22 A They're the people who are supposed to</b>	

Conducted on July 18, 2022

	173		175
1 <b>make sure that everybody is in good health or</b>		1 <b>A I'm pretty sure they're in the office.</b>	
2 <b>something. I don't know what her role is. I</b>		2 Q Okay. And you called her, and you asked	
3 <b>really don't know.</b>		3 to speak to someone related --	
4 Q Have you ever interacted with a human		4 <b>A I didn't ask her to speak to anyone.</b>	
5 resource --		5 Q Okay. So can you describe for us again,	
6 <b>A No, I haven't. Sorry.</b>		6 when you spoke to the receptionist on	
7 Q At any of your places of employment, have		7 September 22nd, 2020, what did you explain to her?	
8 you ever filled out any documents related to,		8 <b>A I told her that I was being refused work,</b>	
9 like, onboarding, or anything like that?		9 <b>and that I was going to file discrimination</b>	
10 <b>A No.</b>		10 <b>charges.</b>	
11 Q "No"? Okay.		11 <b>And she said she wasn't the person to talk</b>	
12 So just for clarification, prior to		12 <b>to. she would have somebody call me tomorrow,</b>	
13 September 23rd, 2020, you stated you never had any		13 <b>which was the 23rd.</b>	
14 conversations with Ms. Taylor?		14 Q Okay. So after you did talk to Ms. Taylor	
15 <b>A No.</b>		15 on September 23rd, 2020, did you expect her to	
16 Q Okay. You never asked anyone to speak to		16 investigate what you had explained to her?	
17 an HR representative prior to that date?		17 <b>A No, I didn't. No, I didn't. That's why I</b>	
18 <b>A No.</b>		18 <b>told her I was filing charges.</b>	
19 Q Okay. And why did you choose not to?		19 Q Okay. So you just spoke to Ms. Taylor,	
20 <b>A Because I -- see, I'm a bricklayer, I'm</b>		20 because you just wanted to let her know?	
21 <b>not going to be thinking about people who --</b>		21 <b>A Once again, she called me --</b>	
22 <b>such-and-such positions in the offices. I'm not</b>		22 Q Uh-huh.	
	174		176
1 <b>thinking about an HR person.</b>		1 <b>A -- and you just asked me, Did I expect her</b>	
2 Q Okay. Well, when was the first time you		2 <b>to do an investigation?</b>	
3 felt you experienced discrimination? You did not		3 <b>And I said, "No, I didn't." That's why I</b>	
4 report it to an HR person, at that time?		4 <b>told her that I was filing charges.</b>	
5 <b>A No. Because I didn't know there was such</b>		5 Q Okay. From your understanding, typically,	
6 <b>a person. I mean, like I said, even though it</b>		6 do human resource officers make the final hiring	
7 <b>might have been in the handbook they gave me, I</b>		7 and firing decisions?	
8 <b>can't remember everything that's in that handbook.</b>		8 MR. RAY, II: Object to the form.	
9 <b>I don't think nobody that works for Telligent</b>		9 You can answer.	
10 <b>right now, after reading that handbook, would</b>		10 <b>A I have no idea what they do.</b>	
11 <b>remember everything that's in there.</b>		11 Q Okay. So when you spoke to Ms. Taylor,	
12 Q Okay. When you reported this incident to		12 when she called you, you had no idea what her role	
13 Ms. Taylor, what did you expect Ms. Taylor to do?		13 with the company was?	
14 <b>A I didn't. She called me. Like I said, I</b>		14 <b>A Like I said, I don't know what an HR</b>	
15 <b>didn't call her.</b>		15 <b>operation is.</b>	
16 Q Okay. But you originally called an		16 Q Okay. But you were aware that she did not	
17 HR office, correct?		17 supervise your work when you were on worksites?	
18 <b>A No, I called --</b>		18 <b>A I don't know.</b>	
19 Q The office?		19 Q Okay. But prior to September 23rd, 2020,	
20 <b>A -- I called the receptionist.</b>		20 you had never spoke to her before?	
21 Q Okay. Where is the receptionist located,		21 <b>A I never spoke to her at all.</b>	
22 in an office?		22 Q And prior to filing this suit, you did not	

Conducted on July 18, 2022

	177		179
1 know what her name was?		1 Okay. Do you remember receiving this	
<b>2 A I didn't know her name.</b>		2 document in the mail, Mr. Timbers?	
3 MS. GLOVER: I think we'll stop there.		<b>3 A Yes, I do.</b>	
4 That's all we have. Thank you Mr. Timbers.		4 Q Okay. Can you tell me who signed the	
5 THE WITNESS: You're welcome.		5 document at the bottom?	
6 EXAMINATION		<b>6 A Tia Taylor.</b>	
7 BY MR. JAMES M. RAY, II:		7 Q Do you remember when you received this	
8 Q Mr. Timbers, I just have a few follow-up		8 document?	
9 questions for you. Stay on that document. I'm		<b>9 A No, I do not.</b>	
10 going to ask you to go to page 9. In the first		10 Q Would it be fair to say that it was a	
11 paragraph, and in the second paragraph on page 9,		11 couple days after your conversation with her on	
12 this is your answers to Defendant Tia Taylor's		12 September 23rd, 2020?	
13 interrogatories, you write, "Defendant		<b>13 A I can't recall.</b>	
14 Tia Taylor's alleged investigation lasted only a		14 Q Okay. Whenever it was that you received	
15 few hours. Upon information and belief,		15 this document, was that the first time that you	
16 immediately following her telephone conversation		16 learned that Ms. Taylor had issued you a	
17 with plaintiff on September 23rd, 2020, Defendant		17 termination notice?	
18 Tia Taylor, acting individually and as an agent		<b>18 A Yes.</b>	
19 and employee of Defendant Telligent, decided to		19 Q Okay. So your testimony that the first	
20 terminate your employment."		20 time you found out about Ms. Taylor was when this	
21 Do you remember writing that?		21 lawsuit was filed, that's actually incorrect,	
<b>22 A I remember saying that.</b>		22 right?	
	178		180
1 Q Okay. Is that your testimony today?		<b>1 A What's that?</b>	
<b>2 A Yes.</b>		2 Q Listen to the question. So the first time	
3 Q Okay. Go down to paragraph 2 on that		3 you found out about Ms. Taylor's involvement in	
4 page. I'm about four lines down. You indicate,		4 this lawsuit was sometime in September of 2020,	
5 "The termination notice also alleged that		5 correct?	
6 plaintiff was being discriminated -- excuse me,		<b>6 A Correct.</b>	
7 terminated, due to his conduct over the past		7 Q Okay. So let's go to page 18 of the	
8 several months."		8 document that you're looking at, 001.	
9 Do you remember writing that?		9 Plaintiff 0001, do you see that page?	
<b>10 A Yes.</b>		10 (Whereupon, a pause in the proceedings	
11 Q Okay. Is that your testimony here today?		11 occurred.)	
<b>12 A Yes, it is.</b>		<b>12 A (Witness complies.)</b>	
13 Q And it's your testimony that Defendant		13 Q Okay. All right. So do you remember	
14 Tia Taylor put that information in the termination		14 reviewing this document?	
15 notice?		<b>15 A Yes, that was stapled to my final</b>	
<b>16 A Yes.</b>		<b>16 paycheck.</b>	
17 Q Go to Defendants' Exhibit 6 that was		17 Q So this was what was mailed to you?	
18 provided to you earlier today. It's a termination		<b>18 A Yes.</b>	
19 notice.		19 Q And you reviewed this sometime in	
20 (Whereupon, a pause in the proceedings		20 September of 2020?	
21 occurred.)		<b>21 A Yes, sir.</b>	
22 Q It's right here.		22 Q Okay. And the termination date is listed	

Conducted on July 18, 2022

	181		183
1 as September 23, 2020, correct?		1 Q Okay. Same question: Were you ever	
2 <b>A Correct.</b>		2 reprimanded either verbally or in writing for not	
3 Q And there's also some allegations of poor		3 laying enough brick?	
4 performance and making threats towards employees		4 <b>A No.</b>	
5 written in the particular section there, correct?		5 Q Okay. Same question: Have you ever been	
6 <b>A Yes.</b>		6 reprimanded during the time that you were employed	
7 Q Mr. Timbers, prior to you receiving this		7 at Telligent, either verbally or in writing, for	
8 document in September of 2020, did you ever, by		8 showing up late to work?	
9 any Telligent employee, been notified that your		9 <b>A No.</b>	
10 work performance was poor, or that you were making		10 Q Okay. Have you ever been reprimanded	
11 threats against other employees?		11 during your time of employment at Telligent,	
12 <b>A No.</b>		12 either verbally or in writing, for having your	
13 Q Okay. Let's go to the next page,		13 work torn down?	
14 Plaintiff 00019.		14 <b>A No.</b>	
15 <b>A (Witness complies.)</b>		15 Q Okay. During the time period that you	
16 Q This document is called "Position		16 were employed at Telligent, were you ever	
17 Statement," correct?		17 reprimanded, either verbally or in writing, for	
18 <b>A Yes.</b>		18 being under the influence of drugs or alcohol on	
19 Q And can you flip the page to 00020.		19 the job?	
20 <b>A (Witness complies.)</b>		20 <b>A No.</b>	
21 Q Who signed that document?		21 Q Okay. Have you ever received any written	
22 <b>A Tia Taylor.</b>		22 or formal disciplinary action against you during	
	182		184
1 Q Do you recall reviewing this document		1 the time period that you were employed at	
2 during the pendency of the EEOC investigation in		2 Telligent?	
3 this case?		3 <b>A No, I wasn't.</b>	
4 <b>A No.</b>		4 Q Okay. Let's go to one of the exhibits	
5 Q Okay. Why don't you review it for us.		5 that counsel provided you previously, and I will	
6 Let me know when you're done.		6 tell you the number. It's No. 5. Pull up No. 5,	
7 (Whereupon, a pause in the proceedings		7 it's the unemployment information.	
8 occurred.)		8 (Whereupon, a pause in the proceedings	
9 <b>A I'm done.</b>		9 occurred.)	
10 Q Mr. Timbers, in this document, does		10 Q Okay. Have you got that pulled up?	
11 Defendant Taylor admit that she documented your		11 <b>A Yeah.</b>	
12 complaint of discrimination?		12 Q I'm on page "Telligent Bates No. 23," so	
13 <b>A Right. True.</b>		13 in the top right corner, you'll see Bates numbers.	
14 Q Okay. Let's talk about some other issues		14 Keep flipping until you're on 23.	
15 that came up during your testimony. First and		15 <b>A Okay.</b>	
16 foremost, you touched on this briefly, but during		16 Q Okay. So you reviewed this document with	
17 your -- during the time period that you worked for		17 counsel earlier. They asked you some questions	
18 Telligent, were you ever reprimanded, either		18 about the particulars on that page, specifically	
19 verbally, or in writing, for being a slow worker?		19 the reason for discharge, and it reads, "Claimant	
20 <b>A No.</b>		20 threatened to harm fellow employee on several	
21 Q Okay.		21 occasions."	
22 <b>A Never.</b>		22 Do you have any idea what that is	

Conducted on July 18, 2022

	185		187
1 referring to?		1 Q So you didn't hit the guy's hat off?	
2 <b>A No, I don't.</b>		2 <b>A No.</b>	
3 Q Okay. Do you see the date of this		3 Q Did you scream or say anything verbally to	
4 document on the bottom right-hand corner of the		4 the other employee?	
5 page?		5 <b>A No, I just hollered at my nephew, and I</b>	
6 <b>A Yes.</b>		6 <b>told him "No." That's all I said, and he stopped.</b>	
7 Q What's the date?		7 <b>I guess if I hadn't said that, he probably would</b>	
8 <b>A "10/26."</b>		8 <b>have done something more.</b>	
9 Q Of what year?		9 Q Mr. Timbers, earlier in your testimony,	
10 <b>A '20. 10/26/20.</b>		10 when you were describing the emotional distress	
11 Q Was that after you told Ms. Taylor that		11 that you were feeling, you said, "Nobody wants	
12 you were going to be filing a charge of		12 me."	
13 discrimination?		13 Can you let us know what you meant when	
14 <b>A Yes, it is.</b>		14 you said "nobody wants" you?	
15 Q Okay. Did you ever -- were you ever		15 <b>A I mean, you know, when you're going</b>	
16 informed at any time prior to that, that you were		16 <b>through something like that, you feel everybody is</b>	
17 threatening employees?		17 <b>against you, the whole world. I felt like the</b>	
18 <b>A No.</b>		18 <b>world was against me at that moment, and just took</b>	
19 Q Okay. Let's talk about -- and you're not		19 <b>a lot out of me.</b>	
20 making a hostile work environment claim in this		20 Q When you say -- when you describe the	
21 case, are you?		21 moment, are you describing the incidents of where	
22 <b>A No.</b>		22 you were denied work on the 21st of August?	
	186		188
1 Q You're not claiming back pay in this case,		1 <b>A Yes.</b>	
2 are you?		2 Q Okay. Your complaint in the interrogatory	
3 <b>A No, I'm not.</b>		3 answers that counsel asked you about previously,	
4 Q Counsel asked you some questions		4 mentioned July, not August.	
5 previously about the specific date,		5 You're not claiming that any	
6 September 16, 2020. Okay. When they -- Telligent		6 discrimination took place in July, are you?	
7 employees advised you to work at the Prince		7 <b>A No, I'm not.</b>	
8 William Gainesville High School location.		8 Q This took place in August of 2020,	
9 Do you recall that?		9 correct?	
10 <b>A Uh-huh, yes.</b>		10 <b>A Correct.</b>	
11 Q In your own words, what was your reason		11 Q And we put an incorrect date initially;	
12 for not showing up on the 16th?		12 isn't that right?	
13 <b>A Because I knew if I showed up there on the</b>		13 <b>A Yes.</b>	
14 <b>16th, I wasn't going to work, so I wasn't going to</b>		14 Q And upon reviewing some of the discovery	
15 <b>waste my time.</b>		15 material, you realized the time frame was in	
16 Q Just so the record is clear, there was a		16 August; is that correct?	
17 -- some testimony regarding an altercation that		17 <b>A In August.</b>	
18 took place between your nephew Jesse, and a white		18 Q Okay. Counsel asked you previously about	
19 brick mason, correct?		19 an individual named Jose Louis Penado.	
20 <b>A Correct.</b>		20 Is that the individual that was working	
21 Q Did you have any role in that altercation?		21 with Jose Valladares at the Prince William High	
22 <b>A No, I didn't.</b>		22 School job?	

Conducted on July 18, 2022

	193		195
1 office, and you spoke with an individual named 2 Joe Williams; is that correct?		1 Mr. Villegas on either one of those days?	
3 <b>A Yes.</b>		2 <b>A No.</b>	
4 Q And do you recall what you told 5 Mr. Williams, as a result of that conversation?		3 Q Okay. What was the purpose of you 4 calling?	
6 <b>A I told him, Did he have some place for me 7 and my brother to go to work that Monday, because 8 Jose told us not to come back, he wasn't going to 9 work us.</b>		5 <b>A I asked him why he didn't return my calls, 6 like he said, and if he had found another place 7 for us to work.</b>	
10 Q What did Mr. Williams say?		8 Q Okay. On August 28th, the next 9 communication that I have is a call -- actually 10 excuse me, it looks like you continued to call 11 Mr. Tranquillino on the 28th, as well; is that 12 correct?	
11 <b>A At that point he said, Oh, you're the one 12 who was fighting another bricklayer.</b>		13 <b>A Correct.</b>	
13 <b>A And I said, Me? If it was me, why would I 14 be still working here? I said, That was my 15 nephew.</b>		14 Q And did he ever touch base with you on the 15 28th?	
16 <b>A And he said he would call me back. And 17 about five minutes later he called me back. I 18 can't remember the conversation, but it didn't go 19 anywhere, so it ended.</b>		16 <b>A He never did.</b>	
20 Q So the next communication we have is on 21 August 24th, okay. In your answers to 22 interrogatories, you indicate here that you called		17 Q Okay. So the next communication I have is 18 sometime, it says between September 10th and 19 September 13th, 2020, from Wilbur -- I'm going to 20 say his name wrong -- Bonilla.	
	194	21 Did that take place?	
1 Mr. Williams again. I believe that you testified 2 that you called Tranquillino Villegas.		22 <b>A Yes.</b>	
3 <b>A Correct.</b>			196
4 Q Which one did you call on the 24th?		1 Q Wilbur called you?	
5 <b>A Tranquillino.</b>		2 <b>A Yes.</b>	
6 Q So we need to amend the answer that said 7 that you called Mr. Williams, correct?		3 Q What was the purpose of the call?	
8 <b>A Right, because I didn't call Mr. Williams.</b>		4 <b>A To come back to work.</b>	
9 Q Okay. So you called Tranquillino on the 10 24th. What did you tell Mr. Tranquillino on the 11 24th?		5 Q Go back to work where?	
12 <b>A I asked, did he have another place that we 13 can go to work, because every time he sent us up 14 to the high school in Gainesville, Jose refused 15 work us. He said he would call me back.</b>		6 <b>A Faraday Park.</b>	
16 Q And, as you see in the next two boxes on 17 page 9, there's various phone calls identified 18 from your number to Mr. Tranquillino Villegas' 19 number on August 26th, and August 27th.		7 Q Did you go back to work?	
20 Did those take place?		8 <b>A Yes, I did.</b>	
21 <b>A Yes, they did.</b>		9 Q And When did you report to work?	
22 Q And did you ever get in touch with		10 <b>A 7:00 a.m., on the 14th.</b>	
		11 Q The next morning?	
		12 <b>A Yeah.</b>	
		13 Q Did you work the entire day on the 14th?	
		14 <b>A I worked the whole day.</b>	
		15 Q Did you work the whole day on 16 September 15th?	
		17 <b>A No, we didn't.</b>	
		18 Q How long of a work shift did you have on 19 the 15th?	
		20 <b>A I think around 11:00 or 11:30, or maybe 21 12:00.</b>	
		22 Q What time does the day start?	